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REMARKS

Reconsideration is respectfully requested of the final rejection of claims 10 to 18 which claims remain under consideration.

In the present amendment, the sole change is to correct the misspelling of claim 17. Accordingly, withdrawal of the objection to this claim is requested.

Claims 10 to 18 stand rejected under 35 USC 103(a) based on Behnke et al. USP 4,120,914 in view of Barbeau et al. USP 5,299,602 and Geirhos USP 5,879,800.

The following summary is set forth for the consideration of Behnke and Barbeau.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to replace the spun yarns form of Behnke with the filamentary yarns of Barbeau motivated by the desire to reduce fabric weight, increase mechanical resistance and increase flexibility and mobility of the woven fabric.

The following summary is set forth for the combination of Behnke, Barbeau and Geirhos:

It would have been obvious to one of ordinary skill in the art at the time the invention was made to create the yarn of Behnke in view of Barbeau with a random entangled loop structure as suggested by Gierhos motivated by the desire to create a fully integrated yarn with superior mechanical properties.

Furthermore, the Office rejection ends with the following conclusion:

In the present invention, one would have been motivated to optimize the weight per unit length of the yarn proportions of entangled loop structure in order to create a light-weight, strong and properly heat resistant fabric.

Direct issue is taken with this Office position. Initially, it is noted the combination of publications applied in the rejection under 35 USC 103(a) is "to optimize the weight per unit length of the entangled loop structure in order to create a light-weight, strong and properly heat resistant fabric."

In response it is considered that the teaching and disclosure of Geirhos are non-analogous and cannot be combined with the teachings of Behnke/Barbeau.

Attention is respectfully directed to the end use of Geirhos such as set forth in the Abstract, column 1, lines 9 to 12 and column 7, lines 31 to 37 as follows:

...

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These yarns are useful for producing **composites**.
(emphasis added)

...

The present invention relates to novel hybrid yarns having a particularly low hot air shrinkage. Such yarns are advantageously useful for processing into **composites** or into textile sheet materials, such as **laid structures**.
(emphasis added).

...

The hybrid yarns of the invention can be processed by conventional processes into textile sheet materials. Examples thereof are woven, knit and in particular **laid structures**. Such sheet materials can be converted into **composites** or **stabilized by melting the matrix component**.

The invention also provides for the use of the hybrid yarns for these properties. (emphasis added)

IN SUMMARY, THE INVENTION OF GEIRHOS IS DIRECTED TO FORMATION OF COMPOSITES OR LAID STRUCTURES. THE ARTICLES OF GEIRHOS TOTALLY DIFFER AND IS NON-ANALOGOUS TO BEHNKE AND BARBEAU.

Behnke is directed to a protective fabric which can be worn by a person. In the Background of The Invention, a disadvantage of the prior art concerns fabric "drawn down snugly against the wearer's skin" allowing "more severe burns" (column 1, lines 35 to 41). A specific disclosure of suitability of a protective garment for melting use is disclosed in Example 2 (column 5, lines 52 and 53).

Similarly, Barbeau is directed to a protective fabric which can be worn by a person. Illustratively, Barbeau discloses "a textile material for use as the outershell of a firefighter garment (column 1, lines 6 and 7).

IN SUMMARY, BOTH BEHNKE AND BARBEAU ARE DIRECTED TO GARMENTS WHICH CAN BE WORN BY A PERSON. YET THE OFFICE REJECTION IS PREMISED ON SUBSTITUTION OF THE TEACHINGS OF GEIRHOS DIRECTED TO COMPOSITES AND LAID STRUCTURES INTO THE GARMENTS OF BEHNKE/BARBEAU. THIS POSITION IS UNSUPPORTED AND IS TOTALLY INCORRECT. RECONSIDERATION AND REMOVAL IS REQUESTED.

Therefore, applicants take direct and emphatic issue that "one would have been motivated to optimize the weight per unit length of the yarn properties of entangled loop structures in order to create a light-weight, strong and properly heat resistant fabric". Again, a

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composite and laid structure is totally unsuitable in a garment where flexibility must be present whether in a military garment or in an outer fire-fighting shell garment.

Applicant further takes a position that unexpected results are present. The present patent application discloses use of a protective garment worn by firemen. A need is present for a garment having lighter weight.

Yet with a random loop structure a resulting fabric is 3 to 25 percent higher than a continuous filament yarn having the same composition but no entanglement or loops". Therefore, one of ordinary skill in the art would expect a resulting firefighting garment to weigh more and be less desirable. Yet the present patent application directly states the improved resistance to elevated temperature results allowing thinner diameter filaments to be employed resulting in a weight savings in the final fabric.

The Examiner's attention is respectfully directed to the following wording present on page 2, lines 1 to 10 of the present patent application:

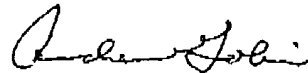
The woven fabric of the present invention provides improved resistance to elevated temperature such as from a flame compared to a fabric using the same filaments but without entanglements or loops. Filaments may be used in the present invention of a thinner diameter resulting in a weight savings in the final fabric. This weight saving is sufficient in overcoming an added weight in the present invention due to an additional amount of filament needed per unit area due to the entanglements or loops.

Again, it is repeated that a position has been set forth of unexpected results. One of ordinary skill in the art would expect the loop structure to result in a heavier garment yet lighter weight is realized with the present invention.

Withdrawal of all grounds of rejection is requested. A notice of allowance is solicited.

In any event, entry of the present amendment is requested, in the event the present rejection is maintained. The present amendment removes an objection and places the claims in proper form for appeal.

Respectfully submitted,



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